

## REMARKS

This Response is submitted in reply to the Non-Final Office Action dated May 22, 2009. Claims 1-11, 13-23, and 25-35 are pending in this application. Claims 1-11, 13-23, and 25-35 are rejected. In the amendment, Claims 1, 9, 10, 13, 21, 22, 25-31, and 33-35 are amended and Claims 8, 20, and 32 are canceled without prejudice or disclaimer. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

### **Rejections under 35 U.S.C. 101**

In the Office Action, Claims 1-11 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. The Office Action further states that Claim 1 requires a device after the word “comprising.” In response, Claim 1 has been amended to recite, in part, “a position correction step, performed by a position correction means... a first step, performed after the position correction step and by a transformation means... a second step, performed by a matching means...”

Additionally, Claims 25-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Office Action states that Claim 25 “requires a computer readable medium to store a program” to be statutory. In response, Claim 25 has been amended to recite, in part, “[a] computer readable medium storing a computer readable program for matching images to linear components in a first image and a second image, said computer readable program structured to cause an apparatus to perform...”

In view of the amendments, Applicants respectfully submit that Claims 1 and 25 are directed to statutory subject matter. Accordingly, Applicants request the 35 U.S.C. 101 rejections with respect to independent Claims 1 and 25, and the claims that depend thereon, be reconsidered and the rejections withdrawn.

### **Rejections under 35 U.S.C. 103**

In the Office Action, Claims 1-11, 13-23, and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication number 10-021391 to Hirosyuki (“Hirosyuki”)

in view of Japanese Publication number 11-003421 to Masaaki ("Masaaki"). Applicants respectfully traverse the rejections for at least the reasons set forth below.

Claim 1 has been amended to recite, in part, "a position correction step, performed by a position correction means, of performing a position correction processing to the first image and the second image; a first step, performed after the position correction step and by a transformation means, of performing an image processing for transforming points in each image of the first image and the second image to a curved pattern and the linear components in each image to a plurality of overlapped curved-patterns, based on a distance from a reference position to a shortest point in a straight line passing through a point in the image and an angle between a straight line passing through the reference position and the shortest point and a reference axis including the reference position, and generating a first transformed image and a second transformed image, wherein the image processing is performed to the first image and the second image which are results of the position correction processing in the position correction step to generate the first transformed image and the second transformed image." (Emphasis added). Claims 13 and 25 are similarly amended. The amendment is fully supported by the specification. For example, see paragraphs [0083]-[0087] and Fig. 6 of the specification. Moreover, similar language was contained in canceled Claims 8, 20, and 32.

Applicants respectfully submit that the cited prior art, even if properly combinable, fails to disclose, at a minimum, "performing a position correction processing to the first image and the second image... wherein the image processing is performed to the first image and the second image which are results of the position correction processing in the position correction step" as recited in Claim 1 and similarly recited in Claims 13 and 25.

The Office Action relies on paragraphs [0001] and [0042]-[0045] of Hiroyuki to teach a similar element previously recited in canceled Claims 8, 20, and 32. Office Action, page 11, lines 1-8. As understood, the Office Action equates the claimed "image processing" with Hiroyuki's "Hough transformation." Office Action, page 6, lines 17-23. And the Office Action equates the claimed "position correction processing" with Hiroyuki's "movement magnitude calculation." Office Action, page 11, lines 1-8. However, Hiroyuki discloses Hough transformation, Step 202, occurs before the movement magnitude calculation of Steps 207-209.

Hiroyuki, paragraphs [0036]-[0045] and Fig. 2. Thus, Hiroyuki fails to disclose image processing is performed after position correction processing as claimed.

Applicants respectfully submit that Masaaki fails to cure the deficiencies of Hiroyuki. Accordingly, Applicants request the obviousness rejection with respect to independent Claims 1, 13, and 25, and the claims that depend thereon, be reconsidered and the rejections withdrawn.

### **Conclusion**

For at least the foregoing reasons, Applicants respectfully submit the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-672 on the account statement.

Respectfully submitted,

K&L GATES LLP

BY 

Jeffery M. Ingalls

Reg. No. 58,078

Customer No. 29175

Dated: August 21, 2009